

United States District Court

NOV 16 2016

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Guadalupe Martinez

PRINCIPAL

Case Number:

YOB: 1984

M-16-2135-M

United States Citizen

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 14, 2016 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Paulino Lopez-Paez and Juan Carlos Espinal-Bravo, citizens and nationals of Mexico, along with six (6) other undocumented aliens, for a total of eight (8), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas, to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 14, 2016, Roma Police Department conducted a vehicle stop on a 2001 Silver Isuzu for failing to stop at a designated point at the corner of David and Estrella Street in Roma, Texas. The officer approached the vehicle and observed through the window, five subjects attempting to hide in the rear cargo of the vehicle. The officer saw three additional subjects in the back seat along with a driver and a passenger. The officer suspected that the other subjects in the vehicle were being smuggled into the United States so she requested assistance from Border Patrol Agents to determine alienage on the subjects. Agents arrived on scene to conduct an immigration inspection of the driver and all passengers. The driver, identified as Guadalupe Martinez claimed to be a United States citizen. All passengers inside the vehicle were questioned as to their immigration status and all were found to be without possession of proper documents to be in the United States legally. The subjects were placed under arrest, and taken to the Rio Grande City Border Patrol Station to be processed accordingly.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by O. Paxton, AVSA
[Signature]

[Signature]
Signature of Complainant

Julio C. Peña Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

November 16, 2016
Date

at McAllen, Texas
City and State

Peter E. Ormsby U. S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-2135-M

RE: Guadalupe Martinez

CONTINUATION:

PRINCIPAL STATEMENT:

Guadalupe Martinez was read her Miranda Rights. She understood her rights and agreed to provide a sworn statement without the presence of an attorney.

Martinez stated that a friend hired her to pick up some illegal aliens in Roma, Texas. She stated that she was going to get paid \$200 for each person she picked up. Gonzalez stated that this was her first time doing this but that she was aware that transporting illegal aliens was against the law.

MATERIAL WITNESSES:

Paulino Lopez-Paez and Juan Carlos Espinal-Bravo were read their Miranda Rights. Both understood their rights and provided a statement without the presence of an attorney.

Paulino Lopez-Paez, a citizen of Mexico, stated a friend made the smuggling arrangements and paid \$2,000 upfront and \$5,000 was to be paid once he reached his final destination. He was smuggled along with seven subjects into the United States on November 13, 2016 and was instructed by the foot guides to wait by the brush for a vehicle that was going to pick them up. Lopez claimed that a foot guide provided them with a code word and that the driver was going to yell out that same code word to let the people know the vehicle was going to pick them up. He stated that they waited all night until they saw a gray vehicle approach and heard the driver yell the code word "ya sabras", signaling to get inside the vehicle. Lopez stated that once inside, Martinez instructed them lay down and not to move. Lopez, identified Martinez through a photo lineup as the driver of the vehicle that picked him up.

Juan Carlos Espinal-Bravo, a citizen of Mexico, state that his uncle made the smuggling arrangements and paid \$1,600 upfront and \$6,500 was to be paid once he reached his final destination. He was smuggled along with seven subjects into the United States on November 13, 2016 and instructed by the foot guides to wait until someone would pick them up. Espinal claimed that he was given a code word and that's how they would know that the vehicle was going to pick them up. He stated that as they were waiting to be picked up, he heard a female yell the code word given to them "Ya Sabras". He stated at that point everyone ran to the vehicle and got inside. Espinal stated that he observed two females inside the vehicle and the driver told them to jump in the back and hide. Espinal stated that they traveled about five to six minutes before they were pulled over and arrested.